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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,122	06/29/2000	Herbert Edelsbrunner	9220-2	7255
20792	7590	01/13/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			BRODA, SAMUEL	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			2123	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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1. This communication is in response to Applicants' Amendment A dated 20 September 2004. Claims 1-22, 36, 38, 42, and 46 were amended; claims 52-56 were added. Claims 1-22, 36-44, 46, and 52-56 are pending.

Claim Objections

2. Claims 52-56 are objected to because Amendment A is not fully responsive to the First Office Action on the Merits, because of the following omission(s) or matter(s):

2.1 The Amendment A adds new claims 52-56 but the "Remarks" appearing on pages 13-17 contain no attempt to point out the patentable novelty of the newly-added claims. See MPEP §§ 714.04 and 714.02, and 37 CFR 1.111(b), which states in-part (emphasis added):

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. **The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.**

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3.1 Claims 55-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

3.2 Regarding claim 55, the term “relatively coarse triangulation” is a relative term which renders each claim indefinite. This term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

3.3 Regarding claim 56, this claim is rejected based on its dependence to independent claim 55.

Indication of Allowable Subject Matter

4. Claims 1-22, 36-44, 46 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

6. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (571) 272-3709. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (571) 272-3716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (571) 272-2100.


SAMUEL BRODA, ESQ.
PRIMARY EXAMINER